

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OPTUM, INC. and OPTUM SERVICES,)
Inc.,)
Plaintiffs,)
v.) C.A. No. 19-10101-MLW
DAVID WILLIAM SMITH,)
Defendant.)

ORDER

WOLF, D.J.

February 11, 2019

On February 8, 2019, Dow Jones & Company Inc. and Boston Globe Media Partners, LLC filed a Motion to Intervene and to Unseal Portion of Transcript of January 31, 2019 Hearing (Docket No. 64). It is, therefore, hereby ORDERED that:

1. Counsel for plaintiffs Optum, Inc. and Optum Services, Inc. ("Optum") and for defendant David Smith and his employer TCORP62018 LLC ("ABC") shall confer and, by February 12, 2019, report whether any of them objects to the unsealing of any or all of the sealed transcript of the part of the January 31, 2019 testimony of John Stoddard for which the courtroom was closed to the public. See Docket No. 53 at 115-123. If they agree that part of the transcript may now be made part of the public record, they shall file under seal a redacted version reflecting their

agreement, which the court will unseal. If they agree that the full transcript may be unsealed, the court will unseal it.

2. If Optum, Smith, or ABC object to unsealing the transcript in whole or in part, it or he shall, by 12:00 noon on February 14, 2019, file a memorandum and at least one affidavit addressing why the information at issue is confidential or involves trade secrets, and why continued sealing is justified. See Rule 7.1(b)(2) of the Local Rules of the United States District Court for the District of Massachusetts.

3. Any reply shall be filed by 12:00 noon on February 15, 2019.

4. If necessary, on February 19, 2019, at 9:30 a.m., the court will conduct a hearing to address de novo whether the courtroom should have been closed for the part of Mr. Stoddard's testimony for which the transcript is now sealed, and whether that transcript should be unsealed.


UNITED STATES DISTRICT JUDGE